

I. Restriction Requirement

The Examiner has required restriction to one of the following inventions:

Group I: Claims 1-6, 8-10, drawn to a composition comprising sclerotium gm, a copolymer and a carrier and optionally one or more electrolytes; and

Group II: Claim 10, drawn to a method of manufacturing a composition comprising sclerotium gum, a copolymer and a carrier and optionally one or more electrolytes.

Applicants elect, with traverse, Group I, claims 1-6 and 8-10. The restriction requirement is traversed for the following reasons.

Applicants note that the Examiner has included claim 10 in both groupings of claims. It is unclear how Group I containing claims 1-6 and 8-10 and Group II also containing claim 10, do not relate to a single general inventive concept. Further, in the Preliminary Amendment filed concurrently herewith, Applicants have amended the claims so that claim 10 does not relate to a method of manufacturing a composition. The Examiner argues that the present claims do not present a special technical feature in view of WO 98/44898 ("Dahms et al."). Dahms et al relates to a depilatory composition having a pH in the range of from 10.5 to 13.0 well outside the present claims. Accordingly, Applicants respectfully submit that the present claims do in fact present a special technical feature. For all these reasons, Applicants request withdrawal of the restriction requirement.

II. Election of Species Requirement

The Examiner has also set forth an Election of Species requirement, requiring Applicant to elect: "the inclusion and type of electrolyte present in the claims."

Applicants traverse this requirement because, as discussed in MPEP §1850 III, B, the requirement of technical interrelationship defined in PCT Rule 13.2 shall be considered to be met with the alternatives are of a similar nature as described in Rule 13.2. Here, each of the alternatives in which the Examiner is requiring election are of a similar nature by

exhibiting a common property or activity, by having a common structure, and/or because the alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains, i.e., electrolytes.

However, to be responsive, Applicants elect, with traverse, a mixed glycolate/citrate salt of dimethylethanolamine.

III. Conclusion

For the reasons set forth above, Applicants respectfully request withdrawal of all election requirements. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/J&J5133USPCT/JPB. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 10-0750/J&J5133USPCT/JPB.

Respectfully submitted,

/James P. Barr/

James P. Barr
Reg. No. 32,882
Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2826
DATE: May 22, 2009